

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 19-2997
v.	:	
	:	Board Case No.:
FIRST STUDENT	:	14-CA-225201
	:	
Respondent	:	

MOTION TO DISMISS THE BOARD’S APPLICATION FOR SUMMARY
ENTRY OF A JUDGMENT ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Eighth Circuit:

Pursuant to Federal Rule of Appellate Procedure 42(b), the National Labor Relations Board (“the Board”), by its Acting Deputy Associate General Counsel, respectfully moves to dismiss, without prejudice, the Board’s application for enforcement in the above-captioned case, and shows:

1. On June 14, 2019, the Board issued a Decision and Order against First Student, reported at 368 NLRB No. 9, requiring First Student to take certain affirmative actions. The Board applied to this Court for enforcement of its Order and, on September 13, 2019, the Court docketed the case no. 19-2997. To date no appearance or response has been filed by First Student.

2. The Board has recently been informed by its regional office that First Student has now complied with the Board's order. Since full compliance with the remedial provisions of the Board's Order has been obtained, the Board has determined that there is no need for enforcement at this time.

3. Accordingly, the Board seeks to withdraw its application, without prejudice, each side to bear its own costs.

WHEREFORE, the Board requests that the Clerk enter an order dismissing without prejudice the above captioned case, each side to bear its own costs.

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 30th day of September, 2019

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32 (g), the Board certifies that its motion contains 231 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2016.

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 30th day of September, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Eight Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served by first class mail upon the following parties at the addresses listed below:

Steve Jones
First Student
485 St. Peters Howell Rd
St. Charles, MO 63304
Phone: (636) 851-6220

Ursula McDonnell, Esq.
First Transit, Inc.
600 Vine St., 15th Floor
Cincinnati, OH 45202

/s/ David Habenstreit
David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dated in Washington, D.C.
this 30th day of September, 2019



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

September 30, 2019

Michael E. Gans, Esquire
Clerk United States Court of
Appeals for the Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South Tenth St., Rm 24.329
St. Louis, MO 63102

Re: *NLRB v. First Student*, Board Case No.
14-CA-225201, 8th Cir. Dkt. No. 19-2997

Dear Mr. Gans:

On September 13, 2019, the Court docketed the Board's application for summary entry of a judgment enforcing its order in the subject case. Shortly after the application was filed, Respondent's compliance with the Board's Order was achieved, and therefore there is no need for enforcement at this time. Enclosed is a motion to dismiss the Board's application for enforcement of its order.

Very truly yours,

/s/ David Habenstreit

David Habenstreit
Acting Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570